

LIVINGSTON EMPLOYER BREEZE

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JUST WHAT DOES JOB SERVICE DO ANYWAY?

By Jerri Miller

It surprises me that after I've been here nearly 17 years, we still get asked that question just about daily. But, when I really stop and think about all of the changes we've been through in our office over those 17 years, it actually blows my mind!

When I started in 1989, we had "dumb" computer terminals. Basically, we put information into them and it didn't go anyplace other than Helena. Information about applicants wasn't accessible by other offices around the state, so applicants had to physically register with every office in which they were interested in looking for work. We could look at other offices' job orders. So, we registered applicants for job searches, opened job orders for our employers, filed unemployment insurance claims for individuals, set up some on-the-job training programs and made referrals to other agencies for our clients. Life was simple back then and so were our services!

Wow, have things changed! The one and only service of those listed above that we don't do anymore is file unemployment insurance claims. So, we did away with one service, and added about 50 more! And, our services are employer and community-need driven.

We still register applicants who are seeking new jobs. We still help applicants write resumes and test them for various skills. We still publish vacancy announcements and job orders. We still work with various different job training programs. The "still" list stops here, and these are some of the new services we offer.....

- * Assistance with writing Personnel Policies, Employee Handbooks, Position Descriptions and task analysis
- * Assistance with Wage and Hour questions
- * Assistance with Human Rights questions
- * Progressive Discipline and Wrongful Discharge Info.
- * Recruitment, Interviewing and Retention Policies
- * Labor Market and Wage research
- * Workshops and seminars on employment law
- * Equal Employment Opportunity (EEO), Family Medical Leave Act (FMLA) and Americans With Disabilities Act (ADA) information
- * Uniformed Services Employment and Re-employment Rights Act (USERRA) information
- * Payroll Taxes
- * Federal Fair Labor Standards Act (FLSA)
- * Research on court-decided employment law issues
- * Resource Library

- * Work Opportunity Tax Credits
- * Independent Contractor Registration
- * Resource computers for job search, design of policies, job descriptions, performance evaluations and research into State and Federal codes and regulations

To make things easier for you, we have included a pull-out sheet which lists the services available and, in some cases, who you would call for the most direct service possible. We hope that you will find it useful.

One absolutely neat thing we have added just this month is a direct link from our website at <http://wsd.dli.mt.gov/local/livingston/> to the Department of Labor & Industry Research and Analysis demographics page for Park County. Everything you ever wanted to know about business, employment, wages, etc. for Livingston and Park County can be found from this page. Check it out!

WAGE AND HOUR LAW CHANGE

By Jerri Miller

In a recent US Supreme Court unanimous decision, the Court held that employees must be paid not only for donning and doffing required protective gear, but also for their time spent walking to and from production areas once they put the gear on. The opinion also sheds light on when the workday begins and how to draw the line between paid and unpaid work activities.

Generally speaking, the workday begins when the worker starts to perform a principal work activity or gets to work if you've required him to be there at a fixed time & ready to perform a principal work activity as in the case of a firefighter. You need not pay for preparatory activities such as commuting to the regular workplace or activities which occur after the last principal activity is performed at the end of the day.

If your business requires an employee to punch a time-clock and he must then walk to his production area, the time spent walking from one area to the other is considered work time.

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POST TRAUMATIC STRESS DISORDER (PTSD)

By Dr. Robert D. Kincaid, PhD

(Part 2)

In the September issue of the “Breeze”, we discussed the standard definition of PTSD, where it comes from and who gets it. Following are some FAQ’s.

Questions and answers !!

- ◆ Are employees (or applicants) with PTSD required to disclose their disability to their employers?

No. Employees need only disclose their disability if/when they need an accommodation to perform the essential functions of the job. Applicants never have to disclose a disability on a job application, or in the job interview, unless they need an accommodation to assist them in the application or interview process.

- ◆ Can an employer ask an employee with PTSD to submit to a medical examination?

Yes, if the need for the medical examination is job-related and consistent with business necessity. Typically, employers will ask an employee with PTSD to submit to a medical examination (also called a fitness-for-duty exam) after the employee had an incident on the job that would lead the employer to believe that this employee is unable to perform the job, or to determine if the employee can safely return to work, and if any accommodations will be needed on the job.

Special note: Pre-job offer medical examinations or inquiries are illegal under the ADA. People with PTSD (or any disability) do not have to submit to a medical exam or answer any medical questions until after they are conditionally offered a job.

- ◆ Do employees with PTSD pose a direct threat to themselves or others?

People who have PTSD do not necessarily pose a direct threat to themselves or others. Employees who control their conditions through medication or therapy probably pose no current risk. Even if direct threat exists, employers should try to reduce or eliminate the threat by providing an accommodation.

- ◆ How and when does a person with PTSD ask for an accommodation?

An employee with PTSD can ask for an accommodation at any time when he/she needs an accommodation to perform the essential functions of the job. The employee can make a request verbally or in writing and is responsible for providing documentation of a disability.

- ◆ Can an employer discipline an employee with PTSD who violates conduct or performance standards?

Yes, an employer can discipline an employee with PTSD who violates conduct standards or fails to meet performance standards, even if the behavior being exhibited is caused by the employee's disability. However, an employer is obligated to consider reasonable accommodations to help the employee with PTSD meet the conduct or performance standards.

- ◆ Can an employee with PTSD ask for leave as an accommodation?

Yes. According to the EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the ADA, permitting the use of accrued paid leave or unpaid leave is a form of reasonable accommodation when necessitated by an employee's disability. An employer does not have to provide paid leave beyond that which is provided to similarly-situated employees. Employers should allow an employee with a disability to exhaust accrued paid leave first and then provide unpaid leave.

- ◆ Can an employee with PTSD ask for a modification in a workplace policy as an accommodation?

Yes. Modifying a workplace policy might include: allowing work from home, work at alternative times or locations, not mandating attendance at social functions, exemptions from company travel, or providing extended leave.

According to the EEOC Enforcement Guide, “Reasonable Accommodation and Undue Hardship under the ADA”, it is a reasonable accommodation to modify a workplace policy when necessitated by an individual's disability-related limitations, absent undue hardship. But, reasonable accommodation only requires that the employer modify the policy for an employee who requires such action because of a disability; therefore, the employer may continue to apply the policy to all other employees.

Accommodations for People with PTSD

Note: People with PTSD may experience limitations that can affect workplace performance. People with PTSD may have some or all of the limitations listed below. The degree of limitation will vary from individual to individual. Because of this variable, the accommodation ideas provided in this publication may be effective for some people with PTSD, but not for others. Here are a few areas of concern and suggestions that may help

- * Memory: People with PTSD may have difficulty with memory.
- * Provide written instructions
- * Post written instructions for use of equipment
- * Use a wall calendar
- * Use a daily or weekly task list
- * Provide verbal prompts and reminders
- * Use electronic organizers or hand held devices
- * Allow the employee to tape record meetings
- * Provide written minutes of each meeting
- * Allow additional training time
- * Lack of Concentration: People with PTSD may have difficulty concentrating.
- * Reduce distractions in the work environment
- * Provide space enclosures or a private space
- * Allow for the use of white noise or environmental sound machines
- * Allow the employee to play soothing music using a cassette player and a headset

Continued in March issue.....

FEDERAL TAX INCENTIVES FOR MONTANA

EMPLOYERS

By Zanya Betley

Are you throwing away your share of federal money? If you do not require an IRS form 8850, Pre-screening notice and Certification request for Work Opportunity and Welfare-to-Work credits, (WOTC and WTW) from EVERY person applying at your business, the answer is YES.

What are WOTC and WTW credits? Montana Workforce Services Division offers two tax incentives to employers who hire workers from six targeted groups. These groups, which are typically harder to place, are TANF (temporary assistant for needy families) recipients, veterans, food stamp recipients, ex-felons, supplemental security income (SSI) recipients, and vocational rehabilitation referrals. There are some additional requirements that each target group must meet. The good news is you don't have to know what those requirements are. The State of Montana will evaluate the qualifications of each person you hire and determine whether they meet the criteria for the credits.

The WOTC can reduce your federal tax liability by up to \$2400.00 per worker. The WTW tax credits are available for up to \$8500.00 per eligible worker.

Large national retailers and the big box stores have utilized these incentives for years, saving many MILLIONS of dollars per year. These national chains have the IRS form 8850 right in their applications, either paper form or online. Montana employers have already saved an estimated three million dollars through WOTC and WTW tax credits. Which Montana employers do you think are taking advantage of these tax credits? Yep, you guessed it, the large national retailers and big box stores who have set up shop in Montana.

The mom-and-pop-shops, where \$2400.00 to \$8500.00 could make a real difference to the bottom line, are not getting their share.

So, why isn't your business taking advantage of this opportunity?

It's too complicated.

NOPE. It's simple. This is NOT a drawn-out (Dare I say the "G" word?) government program. There are two short forms. The first form, IRS form 8850, must be completed on or before a job offer. So, it makes sense to incorporate the form into your application process. The IRS form 8850 must then be sent to Helena, postmarked within 21 days of when your employee physically begins work.

The second short form, called the Individual Characteristics form, has no such time limit. I recommend mailing it with the IRS form 8850. That is all you really need to do. The State of Montana will send you a confirmation back in the mail. You give the confirmation to your accountant at tax time and they take care of the rest.

I don't hire people from those groups.

No again. For several years now, Montana's wage ranking has held at 50th in the nation. Folks, that is *Last Place*. Our state has a large population of residents who qualify for assistance programs. Think about how many people you know who are working more than one job to make ends meet. The fact is you ARE hiring some of these target groups; you just don't know it and you are not getting "*credit*" for it.

I didn't know about it.

Okay, this one is easy... if you want to know more about how your business can take advantage of these tax credits or would like help incorporating IRS form 8850 into your application process, speak with an Employment Specialist at your local Job Service Workforce Center.

A CHRISTMAS STORY

By Elizabeth Anderson

H	O	L	I	D	A	Y	C	H	E	E	R
A	A	C	C	D	Y	Z	V	W	X	Y	C
C	A	P	S	E	I	T	R	A	P	Z	H
E	Z	D	P	E	X	A	U	X	W	A	R
G	X	E	B	Y	W	P	T	Y	V	B	I
I	V	F	A	F	N	R	S	Z	U	D	S
R	E	I	N	D	E	E	R	A	T	C	T
K	T	G	E	G	M	S	W	B	S	E	M
M	R	H	S	H	S	E	R	Y	R	F	A
O	P	I	U	I	D	N	Q	C	E	G	S
S	N	J	A	J	R	T	P	D	Q	A	T
A	L	K	L	K	A	S	O	S	M	H	R
M	J	L	C	L	W	B	N	E	I	I	E
T	H	M	A	M	O	C	M	V	S	J	E
S	F	N	T	N	T	S	L	L	T	K	B
I	J	I	N	G	L	E	B	E	L	L	S
R	D	O	A	O	L	N	K	E	E	L	A
H	B	P	S	P	I	A	J	F	T	M	Z
C	Y	Q	Z	Q	W	C	I	G	O	N	Y
Y	W	R	Y	R	D	Y	H	H	E	O	X
R	U	S	X	S	O	D	G	I	P	P	W
R	S	T	W	T	O	N	F	J	O	Q	V
E	G	G	N	O	G	A	E	K	N	R	U
M	Q	U	V	U	V	C	D	L	M	S	T

Merry Christmas	Elves	Reindeer
Happy New Year	Santa Claus	Mistletoe
Presents	Egg Nog	Jingle Bells
Goodwill towards men	Christmas Tree	Parties
Holiday cheer	Candy canes	

Happy Holidays!! Did you know that Rudolph the Red-Nosed Reindeer is the only new addition to the folklore of Santa Claus in the twentieth century? Here is a little background on the popular Christmas song.

In 1939, Robert May, an advertising copywriter for the Montgomery Ward department store in Chicago was looking for something novel for their Santa Claus to give to parents and children. In the past they had been buying and giving away coloring books each Christmas, and May's department head saw creating a giveaway booklet of their own as a way to save money. Partly due to the story of the Ugly Duckling and from his own background, (He was often teased as a child for being small, shy and slight of build) May conceived the idea of a shiny-nosed reindeer. An artist friend of his, Denver Gillen, spent many hours at a local zoo creating fanciful

After considering many names, May chose Rudolph, which was the name his four-year-old daughter liked. That Christmas, 2.4 million copies of the “Rudolph” booklets were handed out in Montgomery Ward stores across the country. By the end of 1946, a total of 6 million copies had been given, even with wartime shortages of paper.

“Rudolph” was printed commercially in 1947 and was shown in theaters as a nine-minute cartoon. That year, a friend of May’s, Johnny Marks, decided to put the poem to music. One professional singer after another declined the opportunity to record the song. In 1949, Gene Autry consented; the Autry recording rocketed to the top of the Hit Parade. Since then, three hundred different recordings have been made and more than eighty million records sold. Of course, Rudolph has become an annual television star and a familiar, well-loved, Christmas image. Have a very Merry Christmas!



Seasons Greetings from the Staff of the



Livingston Workforce Center

Back row, left to right: Zanya Betley, Gail Habener, Elizabeth Anderson, Bob Kincaid, Al Maurillo, Skip Shiver, Susan Hanken
Front row, left to right: Joy Pattengale, Jerri Miller, Joyce Heiser

APPLICANT AND EMPLOYEE ASSISTANCE

Apprenticeship Testing proctor
Career Exploration
Dislocated Worker Assistance
Employment Counseling
Fax registration and/or job application materials
Human Rights Assistance
Independent Contractor Exemption application Assistance
Interviewing Assistance
Job Development
Job Matching
Job Preparedness Assistance
Job Search phone
Labor Market Information
Local/Regional/State/National Job Search Assistance
Mock Interviewing
National/International Employment Resources
Notary Public
Registration for tax credit programs
Required forms or information for other state, local and federal agencies
Resource Computers
Resume & Application Assistance
Skills Assessment & Testing
Software training programs
Technical & Online Assistance
Training & Education Resources

EMPLOYER/BUSINESS ASSISTANCE

ABC Clinics
All forms and requirements for starting up a new business
Americans with Disabilities Act Assistance
Child Labor laws
Development of Job Descriptions
Development of Performance Evaluation Program
Development of Personnel Policy Handbook
Employee Development Assistance
Employee Search Assistance
Employer Resources
Employment Applications
Employment Counseling
Employment Law Workshops
Employment Laws
General, basic Unemployment Law information
Interview & Hiring Assistance
Job Description Assistance
Job Development
Job Order Generation
Labor Market Information
Notary Public
Recruiting Assistance
Required Labor Law posters
Starting A New Business Information and Forms
Tax Credit programs
Technical & Online Assistance
Training & Education Resources
Wage/Benefits Analysis & Assistance